

**DECLARATION
FOR UTILITY OR DESIGN
PATENT APPLICATION**

☒ Declaration Submitted With
Initial Filing

☐ Declaration Submitted After
Initial Filing

) Attorney Docket No.: 79601

) First Named Inventor: Xu

) Application Number: 10/686,947

) Filing Date: October 16, 2003

) Group Art Unit: 1651

) Examiner Name: Not Assigned

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Cloning of Cytochrome P450 Genes from Nicotiana

(Title of Invention)

the specification of which:

☐ is attached hereto, or

☒ was filed by an authorized person on my behalf on October 16, 2003 as
United States Application Number 10/686,947.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application, on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

| <u>Prior Foreign Application Number(s)</u> | <u>Country</u> | <u>Foreign Filing Date</u> | <u>Priority Not Claimed</u> |
|--|----------------|--------------------------------|---------------------------------|
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| <u>Provisional Application Number(s)</u> | <u>Provisional Application Filing Date</u> |
|--|--|
| 60/503,989 | 09/18/03 |
| 60/485,368 | 07/08/03 |
| 60/418,933 | 10/16/02 |
| 60/363,684 | 03/12/02 |
| 60/347,444 | 01/11/02 |
| 60/337,684 | 11/13/01 |

☐ Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 120, of any prior United States application(s), or under § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| <u>Prior U.S. Application Number</u> | <u>Prior PCT International Application Number</u> | <u>Filing Date of U.S. or PCT International Application</u> | <u>Patent Number (if applicable)</u> |
|--|---|---|--|
| 10/293,252 | | 11/13/02 | |
| 10/340,861 | | 01/10/03 | |
| 10/387,346 | | 03/12/03 | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the practitioners associated with Customer Number 22242, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence and telephone calls in respect to this application be directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street, Chicago, Illinois 60603-3406, Telephone No. (312) 577-7000, Facsimile No. (312) 577-7007, CUSTOMER NUMBER 22242.



I hereby declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the application or any patent issued thereon.

Full name of sole or one
joint inventor:

Dongmei Xu

(Given names first, with Family name last)

Inventor's signature:

Dongmei Xu

Date:

2-20-2004

Residence:

Winchester, KY

(City and State for U.S. Residents; City and Country for

others)

Post Office Address:

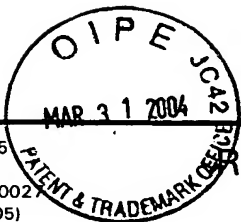
3020 Charleston Gardens Blvd.

Lexington KY 40515

Citizenship:

P. R. China US Permanent Resident

334559



FORM PTO-1595
(Rev. 10/02)
OMB No. 0651-0027
(exp. 6/30/2005)

RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Attorney Docket No. 79601

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Dongmei Xu

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: February 20, 2004

2. Name and address of receiving party(ies)

Name: U.S. Smokeless Tobacco Company

Internal Address: _____

Street Address: 100 West Putnam Avenue

City: Greenwich State: Connecticut ZIP: 06830

Additional name(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/686,947

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James P. Krueger
FITCH, EVEN, TABIN & FLANNERY

Internal Address: _____

Street Address: Suite 1600

120 South LaSalle Street

City: Chicago State: IL ZIP: 60603-3406

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit Account Number:

06-1135

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James P. Krueger

Name of Person Signing

35,234

Registration No.

Signature

MAR 29 2004

Date

Total number of pages including cover sheet, attachments, and document: 2

Fax documents to be recorded with required cover sheet information to (703) 306-5995
Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services, Director of the United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

ASSIGNMENT

I, DONGMEI XU, of Lexington, County of Fayette and State of Kentucky, for good and valuable consideration, receipt of which is hereby acknowledged, have assigned and do hereby assign to **U.S. SMOKELESS TOBACCO COMPANY**, having its principal place of business at *100 West Putnam Avenue, Greenwich, Connecticut 06830*, its successors, assigns and legal representatives, the entire right, title and interest, in and to all subject matter invented by me and disclosed in the application for Letters Patent of the United States entitled

CLONING OF CYTOCHROME P450 GENES FROM NICOTIANA


United States Application Number 10/686,947, filed *October 16, 2003*; and in and to all Letters Patent and all Convention and Treaty rights of all kinds, including the right to claim priority from said application, in all countries throughout the world, for all such subject matter. I agree to sign all documents necessary to secure all said Letters Patent and rights, and request issuance of all said Letters Patent to the above assignee in accordance with this assignment.

2-20-2004, 2004 Dongmei Xu
DONGMEI XU

State of Kentucky)
) SS
County of Clark)

I hereby certify that before me in the County of Clark, in the State of Kentucky, personally appeared **DONGMEI XU**, personally known by me, who then and there was duly sworn by me, and under oath acknowledged that the foregoing assignment was duly signed, sealed, and delivered by him on the date appearing at the foot thereof.

February 20, 2004



Sharon Turley
Notary Public
My Commission Expires:
11/14/05